

W5YI

Nation's Oldest Ham Radio Newsletter

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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Information Bulletin Broadcasting on the Amateur Bands

There seems to be a lot of mis-information being exchanged back and forth on the Petition for Rule Making we filed seeking to transfer information bulletins ...especially voice bulletins to the ham bands above 30 MHz.

The American Radio Relay League is attacking the proposal on the basis that it will adversely impact W1AW and that it is "self-serving." Yes, it could impact W1AW. But an economic windfall it certainly will not bring. From reading the comments on the petition, it appears to us that most people have no idea whatsoever what it is about!

There can be no doubt that some amateur stations are taking advantage of the FCC rules which permit one way bulletin broadcasts to the amateur community. The FCC's Part 97 rules, Section §97.111(b)(5) and (6), permit one way information bulletins and telegraphy practice to be transmitted on all amateur service bands.

Section 97.3(a)(24) defines an information bulletin as a message directed only to amateur operators consisting solely of subject matter of direct interest to the amateur service. Amateur stations are, however, conducting broadcast radio shows, editorializing for hours on end, playing taped recordings, ...even preaching the bible and claiming exclusive use of frequencies. Needless to say, this has led to much over-the-air hostility and retaliatory jamming. The ARRL is very much aware of the problem. We have a thick file going

back to 1987 where the Bermuda Radio Society has consistently claimed 20-meter interference from a scheduled bulletin station (not W1AW) that "dumps a broadcast on the frequency (14.275 MHz) without either listening on the frequency or asking if the frequency is in use."

In a May 4, 1988 letter to VP9HK, Glen Baxter, K1MAN makes the statement, "Our amateur broadcast practice is identical to that of W1AW." ARRL's Dave Sumner, K1ZZ responded to that allegation on May 13, 1988 by saying "...referring to the practice of transmitting bulletins without first ensuring that the frequencies used are clear of other amateur communications. As has been discussed on occasion in QST, W1AW transmits simultaneously on eight frequencies in as many amateur bands. The bulletin transmitters are crystal-controlled, a limitation we hope will be remedied shortly. The number of frequencies being used simultaneously, and the technical limitations on the equipment now in use, make it impossible to adjust the transmitter frequencies before a bulletin is to be transmitted; the need to adhere to the published bulletin schedule precludes delaying the broadcasts until the frequency is clear." Seven years later, W1AW's transmitters are still crystal controlled. But W1AW is NOT the problem. Their voice bulletins are short and transmitted only twice a day. It is other stations that are taking advantage of the rules under which

W1AW operates. Bulletin stations generally believe that the FCC rules permit them to operate on a specific frequency for any length of time regardless of channel occupancy, especially if they publish a schedule beforehand.

They also believe that they are exempted from the rules that require a station to monitor a frequency prior to transmitting. In effect, bulletin stations are stating that the fixed frequencies they employ belong to them which is contrary to the rules.

There is ample evidence that the transmitting duration of amateur "broadcast" stations is increasing and they are becoming a nuisance. Several amateurs have offered suggestions on how to deal with this problem. We included telegraphy practice in our proposal since their mode of operation parallels that of voice bulletins. We agree, however, that the problem essentially exists on the HF telephony bands and the FCC may wish to discontinue the rules which permit voice HF broadcasting.

As mentioned, this is not a new problem. It has been going on for several years. But it has reached monumental proportions lately. The ARRL even saw fit to include an "Op Ed" editorial entitled "The Invasion of Ugliness" in its April issue of QST. "The solution," it said, "is simple: Keep your anger off the air."

We became interested in the problem when one bulletin broadcaster, Glen Baxter, K1MAN of Belgrade Lakes, Maine filed charges in January and February 1995 against the FCC and ARRL for violating Section 501 of the 1934 Communications Act. This section provides for a \$10,000 fine and one year imprisonment for anyone who permits an illegal act or allows it to continue. Baxter believes the FCC should stop the interference to his bulletin transmissions.

Georgia hams have been using 3.975 MHz for decades for their two-way "2100 Gang" round table network; 2100 meaning 9:00 p.m. in the evening. About 8 years ago, the International Amateur Radio Network (IARN is headed up by Baxter) decided to start up a broadcast bulletin service on the same 80 meter frequency at 10:00 p.m. The Georgia gang said they had the frequency first and charged that they were being intentionally interfered with.

IARN responded by saying that they had a right to broadcast bulletins on 3.975 MHz since they scheduled their bulletins similar to those of the American Radio Relay League's W1AW headquarters station. The result was anger on the airwaves with each side accusing the other of willful interference.

To counteract the "frequency in use" claim, IARN began a two-hour talk program in November 1994 which began at 8:00 p.m. That effectively meant that Baxter and IARN got to the frequency first. The hostility and interference intensified when the Georgia group

began recruiting amateurs to start at 7:30 p.m. In January, K1MAN began sending Felony Complaint Affidavits to the U.S. Attorney's Office in Bangor, Maine. He charged several amateurs with felony interference to his bulletin service and cited Section 333 and 501 of the Communications Act as the legal justification. Section 333 is a little known one-sentence statute which states "No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government."

In early February I (Fred Maia/W5YI) was asked to appear via phone patch on the Georgia Network to discuss amateur radio rulemaking. The subject got around to the broadcast of one-way bulletins and their impact on on-going communications. I said scheduled bulletins appeared legal under the rules but that the real problem was retaliatory malicious jamming due to interference with on-going communications. I also said that it was my belief that one way scheduled bulletin broadcasting is not compatible with casual amateur radio networks and 2-way leisure radio communications. I mentioned that there were many modern ways to distribute information bulletins without taking up valuable HF spectrum.

Petition for Rule Making filed

During early March, I discussed the one-way bulletin mess with my Washington, D.C. attorney, Ray Kowalski. Ray had served with the FCC for nearly two decades before entering private communications law practice. Among other things, his last FCC position as Special Services Division Chief involved supervising the Personal Radio Branch which included the Amateur Service. Kowalski telephoned the ARRL's attorney, Chris Imlay, N3AKD and discussed the possible filing of a Petition for Rule Making which would limit one-way HF bulletins. His response, according to Kowalski, was that Imlay thought it was something that League could indeed support.

A month later, the proposal was filed with the Commission asking that one-way bulletins and code practice be limited to amateur frequencies above 30 MHz, i.e. in the 6 meter and shorter wavelength bands. It was never suggested (or intended) that any other one-way transmissions ...such as beacons, telecommand, telemetry and certain retransmissions were included.

Our stated goals were clear; to alleviate the level of anger and retaliation present on the HF bands caused when one-way, broadcast-type transmissions interrupt two-way communications in progress. We also said we were concerned about the example this back and forth friction was presenting to new amateurs.

The FCC preliminarily accepted the petition as

having merit, assigned it RM-8626 and issued a Public Notice establishing a comment period until May 4, 1995. In early April, the American Radio Relay League erroneously reported in their Bulletin No. 34 and in their ARRL Letter that the petition would eliminate all one way transmissions below 30 MHz. Not true!

The League also said the filing was by Fred Maia, W5YI, "publisher of the commercial newsletter the W5YI Report" and he also "publishes training materials for amateurs" and that the "W5YI Petition Would Silence W1AW." No where in either report was there any acknowledgement of any problems being caused by bulletin stations.

Comments on the Petition

Many comments were filed. Most of the comments were opposed to the Petition and contained little more than testimonials to ARRL station W1AW. Few of these commenters proposed solutions to the broadcasting problem ...or had even apparently read or understood the objective of RM-8626.

It is more likely that they filed in reaction to the article in the ARRL Letter of April 3, 1995, and to ARLB No. 34, distributed April 5, 1995 from W1AW. In addition, an ARRL campaign was noted at the Dayton Ham-Venture whereby amateurs were asked to sign pre-printed comments opposing RM-8626 due to alleged impact on W1AW, but containing none of the substance of RM-8626.

It thus appeared to the average amateur that W5YI was opposing ARRL and W1AW to obtain a "news coverage" advantage and to sell more code tapes. Nothing could be further from the truth! We are a long time ARRL member and agree with most of their thinking. They have done much for Amateur Radio.

The genuine purpose of the Petition is to reduce interference, and the amateur-against-amateur hatred being generated in the Amateur Service, by removing rules that some operators exploit for one-way broadcast-type transmission below 30 MHz.

The ARRL believes that "Maia, in the League's view, vastly overstates the level of concern about abuses of the Commission's existing rules governing one-way transmissions in the Amateur Service."

In fact, that amateur broadcasting is a serious problem requiring prompt Commission attention is amply documented by numerous supportive commenters, including ARRL members, in the public record of this proceeding.

- **Don Simpson, KO4TA (Woodstock, GA)**, agrees that amateur broadcasting is a real problem. He complains of bulletin interference consisting of "...endless loop tape playing for over 48 hour periods" and notes that amateur broadcaster K1MAN recently "...has tripled his transmission times."

- **Charles M. Albert, Jr., KC6UFM (Fredericktown, MO)** urges adoption of RM-8626. "The situation on the Amateur bands below 30 MHz with many stations broadcasting information that meets the current rules has become intolerable. All of the stations that engage in broadcasting blatantly disregard the regulations and standards of good operating practice by failing to check the frequency for ongoing communications before transmitting and so create deliberate interference."

"All of the stations in question have stated a belief that the frequencies they use belong to them. This is in direct violation of regulations," Albert writes. "The state of the art has outpaced the need for things like Morse Code practice transmissions and announcement type bulletins."

- **Jim Rinehart, WB9CEP (Indianapolis, IN)** believes "We have enough interference from broadcast stations without adding amateurs who want to play International Broadcaster." He said "It's not the 60's when W1AW bulletins were the only way to stay current with what was going on in Amateur Radio."

- **Jim Monahan, K1BNQ (Easton, CT)** agreed that "...there is abuse by a few stations who transmit for extended periods of time in the name of information bulletins." He observed that there "...is a certain vagueness regarding exactly what constitutes a legal one way transmission and what does not," and cited a 160 meter AM operation that "...transmits by the hour, with professional sounding announcers," and has apparently been doing so for a number of years.

"As new amateurs ...hear these activities going on, it will only foster new stations operating in this manner," he wrote. "I also believe that there is the possibility that some of these stations may soon become 24 hours stations if this continues."

Monahan called for increased FCC enforcement, legitimizing only certain bulletin stations and limiting one way transmissions to fifteen minutes and no more than once or twice a day.

- **Bennett Z. Kobb, KC5CW (Arlington, VA)** points out the "fundamental incompatibility of broadcasts in the amateur bands with the basis and purpose of the Amateur Service." He cites "incessant one-way operations" that "emit filibusters, not 'messages' and therefore (are) not bona fide information bulletins."

Although FCC Rules do not allow amateurs to conduct broadcasting, Kobb contends that "...some amateurs through lengthy, repetitious voice transmissions on multiple frequencies, transform their stations into de facto International Broadcast Stations. ...Taken as a whole, the emission mode, scheduling, promotional and programmatic format of the transmissions at issue, together with their near-continuous spectrum

occupancy and apparently automated nature, ignorant of ongoing communications, identify them as 'a form' of broadcasting and thus prohibited by Section 97.113(c)."

- **Stephen T. Bentley, WD4ITY (Forsyth, GA)** said he "...would prefer to see only the phone bulletins limited to frequencies above 30 MHz." He also warns that "If some sort of rule making decisions are not made concerning one-way 'talk show' broadcasting, that these types of stations will eventually proliferate the bands making normal amateur communications as well as emergency communications very difficult."
- **Fred C. Adams, AC4UN (Inverness, FL)** believes that "...if one way communications are allowed to continue below 30 MHz on the amateur bands, then they should be limited to no more than 30 minutes, once every six hours. As it is now, any station such as K1MAN, Glenn Baxter, can play a tape continuously over and over for hours on end and keep a frequency tied up."
- **Sherwood D. Dudley, W4EWP (Lookout Mountain, TN)** supports RM-8626. "K1MAN must have a grudge against the ARRL and the FCC regarding one-way broadcasting and bulletin services," he comments. "I hear him on 14.275 MHz and 3.975 MHz. He just starts broadcasting. He must never monitor the frequency or he would know a QSO was going on. If every ham would operate in this manner our ham bands would not exist."
- **James W. Drummond, N5YSO (Shawnee, OK)** says "Amateur radio operators, like Glenn Baxter, K1MAN, have made a mockery of the intentions of the ARRL which is to inform and train new and old hams." He believes Baxter should apply for a commercial radio station if he wants to make his views known.
- **Robert S. Bennett, W3WCQ (Towson, MD)** believes that RM-8626 "...addresses a problem of growing concern on the high frequency bands assigned to the Amateur Service. Specifically, the growing number of 'news' bulletins and code practice transmissions cannot be justified in the limited spectrum available. Some of these transmissions unfortunately reflect personal vanity on the part of the operators, and are thinly veiled editorial broadcasts, rather than a true service to the Amateur community."
- **Don West, KF9OE (Sheridan, IN)** comments "I do not want to see stations permitted to broadcast for extended periods of time (more than an hour on the same frequency) in the amateur radio bands..."
- **Gerald R. Gavin, NU3D (Glen Burnie, MD)** is "...in favor of curtailment of K1MAN's one-way trans-

missions, since they appear to be strictly an ego trip. Often I have heard him come on 20 meters and interrupt ongoing QSOs."

- **Nelson Large, W4FQV, (Salisbury, NC)** finds "no need or rationale for one-way or 'talk radio' type activity on the amateur frequencies below 30 MHz." He believes that if the activity is allowed to continue then "...one way broadcasting should be restricted to the upper 3 MHz of the 160, 75, 40 and 20 meter amateur bands." He adds, "I hope there is a way to end, or to make acceptable, an activity that fosters ill-will and rudeness where there should be mutual tolerance and enjoyment for everyone involved."
- Despite the claims of ARRL headquarters that the amateur broadcasting problem is overstated, ARRL members concluded differently. **Lawrence Macionski, WA2AJQ (Bluemont, VA)** said that he "...received correspondence from the ARRL to make written comment to OPPOSE this petition. It is the (ARRL) director's position to oppose it, even though they know the true intent of the petition. I must break ranks as a member because (of) the current situations on the HF bands in this regard. I believe the real purpose of this petition is to 'clean up' a downward spiral. That I must agree with." Macionski said that some activities on the HF bands are counterproductive and waste HF spectrum: "I agree with Fred Maia, and believe they should be removed from Amateur bands below 30 MHz."
- **Mike Musick, N0QBF (Maryland Heights, MO)** an ARRL Station Appointee and member of the FCC Amateur Auxiliary, believes that the "...prohibition of one-way bulletin transmissions should be extended to cover all Amateur frequencies. There should be no exception for frequencies over 30 MHz." He agrees that HF bulletin stations "...engage in wide-area 'broadcasting' of bulletins only superficially related to the Amateur Radio Service, and, for all intents, result in exclusive use of frequencies."
- **ARRL member Thomas Clements III, W1ICH (Key West, FL)**, favors adoption of RM-8626. He believes that "The information provided by HF broadcast transmission is readily available today via land-line or packet radio service without cluttering up the limited frequency spectrum in the HF bands. ...We need to encourage courteous behavior in the amateur bands." Clements observes, "Unilateral transmission of information without prior checking for a clear frequency is about the most intrusive and discourteous behavior possible."
- **Kenneth P. Elsberry, WD4ERM (Valdosta, GA)** is a past president of an ARRL affiliated club. He says "The Georgia Single Sideband Association and the Georgia ARES net has had its operations severely

hampered with interference from a station making one-way broadcast transmissions on a regular scheduled basis of more than 100 times weekly. The broadcasts come on the air regardless of current frequency use and on several occasions during emergency conditions have severely disrupted communications."

"The content of these broadcasts consists of material that is recorded from other news services, editorial opinionated radio talk show excerpts, and political news of foreign government uprisings... Much of this material is hardly of interest to amateur radio operators."

Elsberry continues, "There seems to be some myth that makes it OK for broadcast stations to run roughshod over existing users of a frequency simply because the broadcaster wants to maintain a schedule. Such operators of the so-called 'information bulletin stations' have made a nuisance of themselves and have virtually destroyed popular frequencies. ...Broadcasters are abusing their licenses and causing turmoil on the frequencies. ...How many broadcasters can the bands stand? Just how long can they occupy a frequency? What is to keep them from going 24 hours a day? ...It is simply not feasible to allow broadcasters to waste frequency space and cause the hate and discontent that they are causing on the air."

- Some amateurs believe rulemaking to resolve this situation is unnecessary. **Robert M. Beatty, WB4SON (West Warwick, RI)** states that "While one-way communications do on occasion, cause interference to others operating on the same frequencies, these frequencies are well published and are well known throughout the amateur community... [The] 'anger' is caused by the operators themselves who chose to become frustrated about the necessity to change frequency enough to avoid being interfered with."

In effect, Beatty suggests that mere publication or wide knowledge of amateur broadcast frequencies conveys to the broadcaster exclusive rights to the frequencies, to be avoided at all costs by other amateurs. Such a result impermissibly grants broadcasters de facto franchises to particular portions of the spectrum.

Beatty dismisses amateurs' anger that they must change frequency to avoid broadcasts, ignoring the clear responsibility incumbent upon the broadcaster to adjust frequency in order to avoid ongoing two-way amateur communication.

This argument would allow an amateur operator to simply transmit when and where desired, without consideration for others who must move to other frequencies if they wish to continue operating.

- **Leonard A. Schachter, N3RPQ (Washington, DC)** opposes RM-8626. He suggests, "Individuals wishing to make non-commercial information bulletin or

Morse code transmissions should arrange to meet in a coordinating committee of the type established to voluntarily control repeater operations. The issue should be resolved not by the Commission, but through a 'gentlemen's agreement' of the involved parties."

While we generally support voluntary efforts to reduce interference without Commission involvement, two points must be raised regarding Schachter's suggestion. First, RM-8626 concerns HF amateur operation which is nationwide and worldwide in nature, not local and statewide as in the case of repeater coordination. This vast scope of HF transmission necessitates uniform national policy.

Second, Schachter proposes no mechanism by which amateur broadcasters should be admitted to the "coordinating committee," how such a committee should be funded and managed and what fate would await those who do not subscribe to its "gentlemen's agreement," among other questions.

- The Commission cannot rely on such vague recommendations as a substitute for rulemaking. As **Robert E. Nelson, WD9HSE (Kerrville, TX)** states, "With over 300,000 General Class and above amateurs in the United States alone, there is no hope of coordinating an open voice frequency with every eligible licensee. The current broadcasting mess is not just a United States problem, it is international in scope."

Nelson further states that "Mr. Maia is correct there is a very real problem with abuse of amateur radio bulletin broadcasting in the HF bands. ...I believe that the real problem is voice bulletin broadcasting... I am disappointed this problem was not dealt with before a request for rule making was submitted. This problem will fester until it is resolved."

"Current regulations allow any amateur radio operator with HF privileges to establish a world-wide broadcasting service. This is easier than the alternative route of attaining a broadcast license and setting up an expensive broadcast station. The requirement that broadcast content must be limited to material of interest to amateur radio operators makes virtually all material legal. I heard a bulletin broadcaster reporting on a local ice fishing tournament."

- **Alfred D. Crudele, Jr., N2HEP (New Windsor, NY)** says "that with an increasing number of radio enthusiasts joining the ranks of HF Amateur radio operators and prime HF bands becoming over crowded, there is no room for Amateur 'broadcast' stations."

"I realize that some HF Amateur transmissions benefit all Amateur operators. However, after hearing an Amateur 'preacher' quoting the bible, in a one-way broadcast fashion, on 80 meters and K1MAN conducting live call-in 'talk shows' on 80 meters, I believe the

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time has come to ban all of this type of activity. I feel that in the future more Amateurs will 'join the band wagon' and start up regularly scheduled broadcasts. This is NOT what Amateur Radio is all about!"

American Radio Relay League

The ARRL comments essentially argue why stations in bulletin operation are not Amateur Radio Stations and must not be held to the Rules observed by most amateur stations.

Regarding the issue we would describe as "frequency ownership," for example, ARRL states that the W1AW transmitters are fixed in frequency, which "permits amateurs interested in the bulletins to program those frequencies into memory channels on transceivers and receivers."

Very simply, the ability to program receive frequencies into memory channels applies to any class or type of station. This fact cannot exempt broadcasters from a standard Amateur Radio practice: identification and use of available frequencies suited to the conditions at a particular time.

"Shifts in operating frequency by W1AW in order to avoid any interaction with other stations would cause those who wish to receive the bulletins and code practice to have to search for the same," ARRL contends, "and would defeat the purpose of the publication of the schedule and the regularity of the service."

We pointed out in our reply comments that searching for a desired station, especially within several kilohertz of a known frequency, is a typical and ordinary element of HF operation and must be accepted by all amateur stations including W1AW listeners.

Moreover, the inevitable result of absolute fixed-frequency operation on a schedule is that other stations will be interfered with. As **Don Simpson, KO4TA**, noted, "...the idea that because a schedule is published that all radio operators should give way to the bulletin is unworkable."

FCC Engineer Barry Bohac (Belfast, Maine) stated this fact most plainly in a Notice of Forfeiture to Glenn Baxter, K1MAN. Bohac wrote, "I find no merit in your contention that because you may have published a schedule, that you were subsequently allowed to interfere with ongoing communications."

Intense users of the spectrum for broadcasting nevertheless cite this necessity for fixed-frequency operation as another justification for their interfering practices and permanent enfranchisement.

- **Carl Capps, N4TIE (Swansboro, NC)** and **J. W. Morris, N4FFF (Nashville, NC)** note that K1MAN "...comes on regardless of who is on frequency. He doesn't check the frequency and says that the FCC gives him authority to do this."

ARRL states that "W1AW has not ever been alleged to create any significant interference to ongoing amateur communications in the admittedly crowded HF bands." That assertion, even if true, has little merit in this context, as the FCC Rules apply equally to all amateur stations. The rules ARRL cites for W1AW's ostensibly praiseworthy transmissions are the same rules cited by other broadcasters as justification for their violative activities. It is for this reason that we have submitted a Petition for Rulemaking rather than only a request for enforcement action.

Merely arguing that W1AW is a responsible station does nothing to discourage others from abusing amateur privileges, especially when ARRL obviously believes W1AW need not observe basic operating practices. To the extent W1AW does not behave as an Amateur Radio Station, and in fact publicly proclaims its need to operate otherwise, its high visibility prompts imitators to take to the air as pseudo-broadcasters.

ARRL argues, in essence, that its publications, its "warning messages" and the vagaries of HF propagation are sufficient to exempt W1AW from the necessity of ascertaining if the frequency it desires is available.

But broadcasters cannot be permitted such an exemption from this most "fundamental of operating practices, namely, to monitor the frequency for use before transmitting."

Although such monitoring may sometimes be less than completely effective, it is never wholly ineffective. The broadcaster's interference to ongoing communications may be unintentional, but it must still take actual technical steps to mitigate the possibility of interference beyond publications and warnings.

- The broadcaster itself also is a victim of current practices. As **Robert E. Nelson, WD9HSE** observes, "Stations that can't hear a broadcast signal often transmit on or near its frequency in complete innocence. This routine happening in the bands is a problem that stations in two-way communication are able to deal with. A broadcast station isn't aware of the problem and continues to transmit with some or most of its coverage area rendered useless by interference."

- We agree with **Don Simpson, KO4TA**, that if the Commission cannot limit one-way broadcasting entirely on HF, then the FCC should limit bulletins to digital modes. Simpson argues: "The egos cannot be nourished in that way."

ARRL implicitly concedes that it is in the voice subbands that one-way transmissions can have the most significant impact. Accordingly, the Commission may wish to consider discontinuing the rules permitting one-way bulletin transmissions in the voice HF subbands only.

SCHOENBOHM LEGAL DEFENSE FUND

Well known amateur activist, Herbert L. Schoenbohm, KV4FZ of the U.S. Virgin Islands was convicted in 1992 of improper use of telephone access devices, a felony. The FCC now questions KV4FZ's character ...and whether his ham license should be renewed.

James W. Chupp, W2OOQ of Labell, FL is apparently coming to Schoenbohm's aid and has established a legal defense fund for Schoenbohm. Chupp recently distributed an "All US" points packet bulletin:

"...it is my opinion that a conspiracy is a foot, by people with vested interest, that has resulted in the criminal case that Herb has been faced with. As I understand his present situation, the Federal Court has vacated two of the three charges and left one charge standing which is being contested.

"The Federal Communications Commission is now requiring KV4FZ to prove that it would be in the best interest of the public for Herb to retain his license. Obviously no one knows what evidence is required and the FCC is not saying! Herb has to retain an attorney that is recognized to practice before the Commission.

"I am convinced that his is a precedent that, if allowed, could reach to all amateurs, even you and me. Therefore, I am starting a legal fund to help defray the expenses of Herb's defense and invite you to join me in this venture. Who will be next to be railroaded?" Readers were instructed to send checks to Chupp.

On May 3, 1995, the FCC's Wireless Telecommunications Bureau filed a Motion to Expand and Modify the Issues. WTB believes that Schoenbohm violated the ex parte rules which provides that "No person shall solicit or encourage others to make any presentation he or she is prohibited from making..." The WTB says it has received a transcript from Hugh J. LeBlanc, W4BOZ of Milton, FL certifying that on April 3rd, Schoenbohm transmitted on 14.313 MHz that he "...is not permitted to make any requests for 'political intervention' in this matter, but other people could do so on his behalf. He then provided the name, address and telephone number of congressman Victor Frazer."

TELECOMMUNICATIONS REFORM BILLS ADVANCE Radio spectrum sales could balance the budget!

Both the U.S. Senate and the House of Representatives have delivered sweeping rewrites of the Communications Act of 1934 aimed at allowing cable, local and long distance telephone to compete head on.

Broadcasters would get a second TV channel for free for HDTV (high definition television) or other high speed digital services such as faxes, paging and data broadcasting which would flow down the same digital pipeline with the station's digital video. Although HDTV transmission specs have yet to be yet been nailed

down, a Grand Alliance of technology companies have developed what the FCC will probably adopt as the consensus standard. Digital and analog video cannot coexist. Broadcasters need an additional 6 Mhz of spectrum in order to accommodate both signals.

HDTV broadcasts are expected to begin in the fall of 1997. The conversion cost to digital is high ...about \$10 million per TV station. The plan calls for broadcasters to give back their original 6-Mhz analog channel after a 10 or 15 year transition period. The spectrum would then be sold to the highest bidder.

Depending upon whose figure you use, analog TV spectrum returned to the FCC by broadcasters could fetch \$100 billion or more. In the past year, spectrum auctions have created a \$9 billion windfall for the U.S. treasury. That is triple the FCC's total budget since it was established in 1934!

Two hundred million traditional televisions currently in use will have to be replaced. Consumers may have to start thinking about buying a digital TV (or converter box) sooner than anticipated! Some Republicans do not want to wait ten years to sell the current TV broadcast channels. A plan now being analyzed would auction the analog spectrum 7 years from now in time to balance the budget by the year 2002. And another 200 megahertz of spectrum is still to be converted to private from government use. How much will that bring? The radio spectrum is the new 'cash cow' and "competition" will be telecommunications driving force if Congress gets their way.

Toward that end, Congressman Jack Fields (R-Tex.) has begun discussing the future of the Commission with his Republican colleagues in preparation for FCC authorization hearings scheduled for later this month.

FCC Chairman Reed Hundt wants the Commission retained in its present form and says there is a public interest stake in the communications revolution. He takes issue with congressional Republicans and conservative 'think tanks' that want to downsize or abolish the agency. Hundt asked each of his bureau chiefs to write a brief description of their functions which he will use to enlighten Congress and defend his agency. He notes that the Senate reform package will actually increase the Commission's responsibilities ...and size. The House telecom version is more deregulatory and imposes fewer new tasks upon the FCC.

Leading the charge against the 61-year old bureaucracy is House Speaker Newt Gingrich (R-Ga.) who is calling for the FCC's demise within five years. He wants the emerging information superhighway to be managed by the private sector. The way he sees it: "There's a huge automobile industry out there, but there's no Department of Automobiles." At the minimum, he wants the FCC downsized by 75%.

• **CQ Communications has made a staff change at their Popular Communications magazine.** Publisher Richard A. Ross, K2MGA has announced that Tom Kneitel, K2AES the founding Editor of Popular Communications magazine will become Senior Editor under a newly appointed editor, Chuck Gysi, N2DUP.

Citing personal reasons for his decision, Kneitel expressed his intent to remain an active part of the popular magazine. In his new role, Tommy will continue to do what he does best and enjoys most - write - while shedding the day-to-day burdens of running a monthly magazine.

Kneitel, K2AES, has been the soul of the magazine since it was first conjured up in his living room in the Summer of 1982. The first issue was dated September 1982, and bore a cover photo shot by Ross in the Kneitel family dining room.

Gysi, N2DUP, has served as a contributing editor on scanning topics since shortly after the magazine's inception and has been a professional journalist for 21-years. Most recently he served as news editor of a daily newspaper in the Midwest. He has been writing articles on radio since his days in junior high school and has served as editor of several radio organizations' journals.

• **Ham Radio Outlet has a new home page on the Internet World-Wide-Web.** Customers (and competing dealers) can now price shop without tying up the 800 number. Point your browser to:

<http://www.hamradio.com>

• **ICOM introduced a new IC-775-DSP HF All Band (200 watt output) Transceiver that features DSP technology.** The digital signal processor digitally separates desired signal components from noise components before they enter the audio amplifier which results in an outstanding signal-to-noise ratio. Also featured is 1-Hz digital display tuning. Transmits on all 9 HF bands from 160 to 10 meters. General coverage receiver: 100 kHz to 29.9 MHz. Retail price was not disclosed.

• After eighteen months (and \$27,000 in legal costs) **Mark Nadel, NK2T of Leavittown, New York has won his battle to obtain a transmit-**

ting tower variance. His ham radio tower was installed some ten years ago but the Town Zoning Board failed to grant him a variance for the 55-foot height. When a neighbor complained of radio wave interference and tried to block the application for a variance, an expensive lawsuit resulted. Residences closer to the Nadel home had no interference ...and the FCC confirmed that the station was "clean."

The town zoning board attorney, Arthur Levine, either was unaware that federal law often pre-empts local antenna zoning regulations or believed that Nadel "...would simply go away."

PRB-1 provides that local authorities must reasonably accommodate amateur communications and may only adopt zoning regulations pertaining to antenna height, placement or screening based on health, safety, or aesthetic considerations. The tower, blocked by bushes and a high fence, has very little visibility from the front of the house.

By the end of the trial, the complainant who initially tried to block the variance, suggested the tower be raised to 100 feet, since higher towers cause less interference!

• **We hear stories that the sales of those new 18-inch "pizza pan" DBS satellite dishes are slowing down.** Thomson Consumer Electronics, Inc. introduced the dishes exactly a year ago. Early sales exceeded expectations. (RCA: Tel. 800-898-4377)

DirectTV (Tel. 800-347-3288) and USSB (800-204-8772) Direct Broadcast Satellites now offer 175 channels of programming to consumers who are without cable TV or are unhappy with it. Consumer Reports found DBS pictures to be superior to that of cable-TV.

Two million DBS homes are expected to be signed up by year end - with an eventual total market of 20 million users. (About 60 million homes subscribe to cable-TV.)

DirectTV will increase their DBS capacity by an additional 30 channels once their 3-ton Hughes "DBS-3" satellite is launched by the European Space Agency, Arianespace from French Guiana later on this month.

Now, Sony is introducing their 18-inch dish DBS equipment which will sell for about 10% more than Thomson's RCA brand. It will feature a new on-screen channel navigator.

• **DVD - the next big hit in consumer electronics?** Now that competition is coming to DBS equipment, Thomson will concentrate on another new technology product. **They believe their new RCA Digital Video Disc player could replace CD-ROMs within two years.** DVD-ROMs are 20 times faster and can store up to 10 gigabytes of data - enough for a full length movie on each side.

The Super Density DVD format, a Toshiba -Time Warner development, offers superior video quality to VCRs and a new data storage alternative for PCs. It has gained the backing of several technology companies including Panasonic and Thomson ...and the Hollywood studios of MCA and Metro-Goldwyn-Mayer. A rival DVD format is being pushed by compact disc inventors, Sony and Philips Electronics. So far, Toshiba is winning the DVD standards battle by signing up hardware and software partners.

• **Some Internet Home "Pages" are destined to become Internet Home "Spaces" as the Web progresses through the physical boundaries implied by a print term like "pages."** The next generation Internet will soon look more like interactive 3-D television than a magazine. Sun Microsystems is testing a new programming language called "Java" and a browser: "Hot Java" which will work with the new Windows-95 due out in August. **Silicon Graphics' new interactive WebSpace browser** is capable of viewing video from any angle selected by the user.

• **K1MAN has distributed a printed circular entitled: "Special Invitation to Join AARA" ...the American Amateur Radio Association.** Membership is \$35 a year, lifetime membership: \$740. The American Amateur Radio Council (AARC), a division of AARA, deals with national and international regulatory issues. (AARC membership is \$250 per year.)

AARA Executive Director Glenn Baxter started the organization in 1992. "AARA and AARC have been keeping a low profile ...until now," writes K1MAN. "We will soon be coming 'on line' through a national commercial AM and FM talk program network where we will be reaching out to get all those people out there interested in amateur radio."

LATE BULLETIN: As expected, the Newt Gingrich-affiliated **Progress and Freedom Foundation** released an 80-page report recommending the **Federal Communications Commission be abolished**.

Only 500 of the FCC's 2,200 employees would remain - 1,700 would be axed by September 1996. A large independent agency would not be needed since spectrum would be sold - rather than licensed. The FCC would re-emerge as a much smaller office within the federal government's executive branch. Other highlights from the "comprehensive plan":

- Unless Congress acts to preserve regulations, all FCC rules and regulations will be rescinded in three years.
- Immediate repeal of all FCC licensing authority.
- All current FCC license holders would receive property rights in the spectrum, enforced by the trespass laws.
- Deeds recorded in a central Spectrum Registry File.
- Any spectrum that has more than one claimant would be auctioned within 180 days.
- Government agencies must "disgorge" their unused spectrum within a determined time frame.
- All restrictions on use of spectrum would be eliminated. Those who win title could develop and/or re-sell the spectrum subject to antitrust review and geographic and interference boundaries; however, legislation would not set forth interference rights in detail.
- Department of Justice would confiscate any devices used in violation of communications rules.
- Complaint investigation and answering of general inquiries from the public discontinued.
- Spectrum above 300 GHz is infra-red rather than radio.

A spokesman for the Progress and Freedom Foundation charged that "The federal government is not fostering but hindering the development of digital technology."

- FCC Chairman Reed Hundt issued the following statement: "This distinguished group of old FCC vets and new arrivals is right to care about the communications revolution. Their good ideas are already being put into prac-

tice at the FCC. But they're wrong on their number one factual assumption: when it comes to competition, we ain't seen much yet.

"And they're wrong on their vision: the public interest has a huge stake in the communications revolution and private interests should not own 100% of the action.

"And they're wrong on the FCC's job definition: the Congress and the public want and need us to write fair rules of competition, collect still more money from spectrum auctions and protect consumers from monopolies."

- On May 31st, FCC Commissioner Jim Quello issued a press statement:

"The Progress and Freedom Foundation Report reflects the well considered opinions of a group of intellectual visionaries who are ten years ahead of themselves. It requires further thoughtful review. At this time, its proposal for restructuring the FCC is too drastic and impractical.

"Perhaps many of the Report's proposals, particularly the personnel reductions, could be implemented at some time in the future when competition replaces the need for regulation. This will come with the eventual establishment of a multi-channel, multi-faceted communications information highway offering consumers a variety of competitive choices for communication services. Although we at the FCC are working toward that goal, we are not there yet."

Quello suggested that the FCC adopt a wait-and-see attitude since pending telecommunications legislation could result in the need for many FCC rulemakings to fully open the communications marketplace to competition.

- **The FCC has sent its 1995 Legislative Proposal "Wish List" to Congress.** Nearly all of the proposals "...are deregulatory or pro-competitive in nature in that their enactment will eliminate certain Commission functions, privatize other responsibilities, reduce regulatory burdens on industry, increase telecommunications competition, save agency resources, or otherwise streamline agency processes." Among the proposals the FCC would like to see enacted are:

- Provide blanket licensing for the operation of radio equipment on ships,

aircraft, and in the personal radio services, eliminating over 200,000 separate license applications and application fees a year.

- Authorize the use of non-governmental, independent testing labs to test and/or certify radio and computer equipment, speeding up the equipment authorization process.

- Authorize a one-time application processing fee of \$150 for amateur vanity call signs which would be credited to the FCC's appropriation account. Existing \$7.00 annual fee would be deleted. This would make the vanity call sign program essentially self-funded.

- Eliminate unnecessary conflict-of-interest provisions for publishers to broaden the category of those authorized to administer amateur radio service examinations and eliminate burdensome record maintenance and annual certification requirements.

- FCC said it would like independent leasing authority to procure its own office space rather than using the General Services Administration as an intermediary.

- **Apple Computer, Inc. filed a Petition for Rulemaking on May 24** asking the FCC to create an "NII Band" - a 5-GHz radio spectrum allocation that would permit high-speed data communications for schools, libraries, community groups, individuals, businesses and institutions. The proposed National Information Infrastructure Band radio service would be accessible by equipment from any supplier and available to anyone without licensing or air-time charges.

In addition to permitting faster data rates, the NII Band would allow users, for the first time, to set up their own wideband wireless data links spanning 10-15 km or more. Rural and other dispersed communities and suburban interest groups would be able to use the NII Band to develop local networks as well as for NII participation.

The NII Band would provide much larger bandwidths (data rates), be extensible to longer distances, and occupy higher frequencies protected from unpredictable interference. The NII Band would enable users to gain high-speed access to the Internet and other information resources of the NII, as well as to one another, where wired connections are not readily available.

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

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June 15, 1995

ON-LINE COMPANIES SCRAMBLE TO COMPETE

The Internet access business will grow from \$123 million to \$4 billion within 5 years. Prices have nosedived from \$50 a month to about \$20 today depending upon location and other service factors. Telephone companies are scrambling to grab a portion of the market and many local providers will be squeezed out. Online consumer companies are increasingly turning to Internet access to keep their 5 million subscribers from wandering.

AMERICA ONLINE AOL has purchased a CD-ROM company and an Internet multimedia publisher with an eye toward providing "push button" Web connections between AOL and the Internet. Outside software firms will add an instant access "AOL Button" to their products. America Online has been expanding at a record clip and now has 2.5 million subscribers.

COMPUSERVE (1.8 million subscribers) The walls are coming down! In a surprise move the "Big Three" (America Online, Prodigy and Compuserve) are joining forces to link some of their more popular services such as messaging, games and chat. Users will be able to reliably send instantaneous e-mail direct to 5 million subscribers without having it bounce from site-to-site. The unpredictable internet often routes e-mail through PCs located in other states or countries ...even when the recipient is down the hall. Incoming Internet mail can be backlogged for hours at an online service.

PRODIGY (1.5 million subscribers) Prodigy will be increasing its transmission speed to 28.8-kilobit-per-second by year end and will also provide ISDN. It will shortly introduce Prodigy Personal Web Pages - a free feature that can make every Prodigy member an Internet Web publisher simply by filling in design templates. A new lower pricing structure offering 30-hours-for-\$30-per-month is aimed at competing with local Internet providers. The IBM Global Network which carries the Prodigy service will be tripled in size to more than 450 cities in approximately 40 countries. Prodigy comes bundled with all Packard-Bell computers - now the best selling PC in the U.S. (1.34 million units were sold during the last year.) The top two executives at Prodigy (CEO Ross Glatzer and executive VP Scott Kurnit) recently left! Prodigy - which has yet to turn a profit - has cost its owners (Sears and IBM) more than \$1 billion in start up costs! Through layoffs - and relying more on the Internet, Prodigy is now becoming profitable. Prodigy has a content arrangement with CBS.

MICROSOFT NETWORK No subscribers yet, but expect this online service to get off the ground very quickly once Windows-95 is released Aug. 24th! Microsoft signed an exclusive pact with NBC to develop news and entertainment content for MSN - including

CD-ROM and interactive TV products. Microsoft stock rose 4% (and American Online declined 9%) when NBC said it would remove program content from AOL and Prodigy and shift it to MSN. The move is considered a snub at GENie, the online service owned by NBC's parent, General Electric. American Online asked the Justice Department to block Microsoft from using its new Windows-95 as a marketing platform for MSN. Twenty-five million copies of WIN-95 are expected to be sold, all with built-in MSN access. (90% of all new PC's sold will come with WIN-95 and MSN already installed!) MSN is 20% owned by cable giant, Tele-Communications, Inc. Microsoft's fast new web browser, "The Internet Explorer" incorporated in MSN allows multiple internet windows to be opened.

InternetMCI MCI is the first long distance carrier to enter the consumer online and the Internet access business. Launched in January, InternetMCI is also the first to be based entirely on the Internet. MCI has hired Scott Kurnit, Prodigy's second-in-command to head up its new MCI Information Services operation. Kurnit (who also worked at Warner Communications and Viacom) was largely responsible for steering Prodigy toward the World Wide Web and making the service available on cable systems. It is expected that MCI's telephone service will also be incorporated. Look for a cable modem explosion! InternetMCI is the only online service that can be accessed from non-MCI accounts. Featured is a marketplace of consumer and business merchants ...as well as news, messaging, sports information and special events. "Web Jockeys" are planned to make InternetMCI more like a talk radio show. The service uses new browser software developed by Netscape which through encryption supports credit card shopping and many companies have already opened storefronts in MarketplaceMCI. MCI recently spent \$2 billion to buy a stake in Rupert Murdoch's giant international media conglomerate, News Corp. The joint venture will use MCI's network, the Internet and other communications channels to deliver electronic information, education and entertainment services to businesses and homes. In exchange, MCI gets access to program content created by News Corp's television and movie studios, newspapers and magazines. News Corp's Delphi Internet Service is expected to be folded into InternetMCI.

The Interchange Network AT&T purchased this online service from Ziff Communications in December and a rollout is expected shortly. We heard a rumor that the service would be renamed "AT&T Online" to take advantage of the AT&T image. AT&T also has entered into a far reaching alliance with Time-Warner cable. "AT&T Online," like MSN will be a platform for other companies to build their online presence.